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PTO/SB/21 (09-06)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/789971	
	Filing Date	03/01/2004	
	First Named Inventor	JAMES ROBERT MACMILLAN	
	Art Unit	3635	
	Examiner Name	CHAPMAN, JEANETTE E.	
Total Number of Pages in This Submission	13	Attorney Docket Number	JRM200

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks PETITION DATED 11/30/2006 TO WITHDRAW NOTICE OF ABANDONMENT COPY OF NOTICE OF ABANDONMENT DATED 11/24/2006 COPY OF AUTO-REPLY FACSIMILE TRANSMISSION DATED 08/08/2006 COPY OF TRANSMITTAL FORM DATED 08/08/2006 FOR ADMENDMENT IN RESPONSE TO OA DATED 04/20/2006		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	LAW OFFICE OF ASHKAN NAJAFI, P.A.		
Signature	/ASHKAN NAJAFI/		
Printed name	ASHKAN NAJAFI		
Date	11/30/2006	Reg. No.	49,078

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	/WICKIKVANSICKLE/
Typed or printed name	VICKI K. VAN SICKLE
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This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/789971
Applicant : James Robert MacMillan
Filed : 03/01/2004
TC/AU : 3635
Docket No. : JRM200
Customer No. : 34356

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


PETITION TO THE COMMISSIONER OF PATENTS

Sir:

Applicant respectfully requests the Notice of Abandonment dated 11/24/2006 (included herewith) to be withdrawn because Applicant submitted a complete and timely response to the Office Action letter mailed on 04/20/2006, of which a complete copy is enclosed. A copy of the Auto-Reply Facsimile Transmission is also enclosed as prima facie evidence of a proper and timely filed response. A copy of the transmittal form dated 08/08/2006 and Petition For Extension Of Time Form dated 08/08/2006 also serves as prima facie evidence of a proper and timely filed response.

Respectfully submitted,
Law Office of Ashkan Najafi, P.A.

By



Ashkan Najafi, Esq.
Reg. No. 49,078
Customer No. 34,356

Law Office of Ashkan Najafi
6817 Southpoint Parkway
Suite 2301
Jacksonville, FL 32216

Nov. 30. 2006 6:03PM ashkan najafi pa

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,971	03/01/2004	James Robert MacMillan	JRM200	9422

34356 7590 11/24/2006

ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE, FL 32216

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment	Application No.	Applicant(s)	
	10/789,971	MACMILLAN, JAMES ROBERT	
	Examiner	Art Unit	
	Chapman E. Jeanette	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 4/20/06
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


JEANETTE E. CHAPMAN
PRIMARY EXAMINER
GROUP 3400

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Auto-Reply Facsimile Transmission



TO: Fax Sender at 9042960058

Fax Information

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08-09-2006 19:52 FAX#01 9042960058		PG#1
<p>TRANSMITTAL FORM</p> <p>U.S. DEPARTMENT OF COMMERCE, OFFICE OF PATENT AND TRADEMARKS, 1500 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20540</p> <p>Applicant's Name: <u>ASHKAN NAJAFI</u> Filing Date: <u>8/8/06</u> Filing Office: <u>AMERICAN PATENT & TRADEMARK OFFICE</u> Filing Office: <u>AMERICAN PATENT & TRADEMARK OFFICE</u> Filing Office: <u>AMERICAN PATENT & TRADEMARK OFFICE</u> Filing Office: <u>AMERICAN PATENT & TRADEMARK OFFICE</u></p>		
<p>RECEIVED INFORMATION</p> <p>Received by: <u>ASHKAN NAJAFI</u> Received on: <u>8/8/06</u> Received at: <u>AMERICAN PATENT & TRADEMARK OFFICE</u> Received by: <u>ASHKAN NAJAFI</u> Received on: <u>8/8/06</u> Received at: <u>AMERICAN PATENT & TRADEMARK OFFICE</u></p>		
<p>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</p> <p>Signature: <u>ASHKAN NAJAFI</u> Date: <u>8/8/06</u> Title: <u>ATTORNEY AT LAW</u></p>		
<p>CERTIFICATE OF TRANSMISSION</p> <p>I hereby certify that this correspondence is being transmitted to the U.S. DEPARTMENT OF COMMERCE, OFFICE OF PATENT AND TRADEMARKS, 1500 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20540 in accordance with the provisions of 37 CFR 1.8(a) and (b), 37 CFR 1.6(f), and 37 CFR 1.6(g).</p> <p>Signature: <u>ASHKAN NAJAFI</u> Date: <u>8/8/06</u></p>		